

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Boyer Leroy Spangler Provance  
(Name of Plaintiff)

vs.

CIVIL RIGHTS COMPLAINT  
BY A PRISONER UNDER 42  
U.S.C. § 1983

Donald Holbrook (The Superintendent)  
Charles Pearce (The Cus)  
(?) Sundberg (The CPM)  
(FBI) John Doe #1 (FBI) John Doe #2  
(Names of ALL Defendants)

"Jury Trial Demanded"

Individual and Official cap.

I. Previous Lawsuits

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner? ☒ YES ☐ NO

B. If your answer to A is yes, how many? 1 Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: Boyer L Spangler (This was before The Court in  
Walla Walla changed my last name to Provance.

Defendants: Chief Charlie Wood et al.  
Sgt Juanita Cinel, Sgt Brian Schraeder, C/O Todd Aienz

2. Court (give name of District): Western district
3. Docket Number: NO-C12-1196-Raj-JPD
4. Name of judge to whom case was assigned: James P. Donohue (he was a good Judge)
5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?):  
The other side one I was Pro se and when my CPS case started I let my federal I go to quit filing motion.
6. Approximate date of filing lawsuit: on or around July 2012
7. Approximate date of disposition: August 2013 on or around

II. Place of Present Confinement: Washington State Penitentiary 11th South

A. Is there a prisoner grievance procedure available at this institution? ☒ YES ☐ NO

B. Have you filed any grievances concerning the facts relating to this complaint?  
☒ YES ☐ NO

If your answer is NO, explain why not: \_\_\_\_\_

C. Is the grievance process completed? ☒ YES ☐ NO

D. Have you sought other informal or formal relief from the proper administrative officials regarding the acts alleged in this complaint?  
☒ YES ☐ NO

If your answer is NO, explain why not: \_\_\_\_\_

III. Parties to this Complaint

A. Name of Plaintiff: Bryce L Spangler Penitentiary Inmate No.: 316427

Address: W.S.P., 1313 N 13th Ave, Walla Walla WA 99362

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use Item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Defendant: Don Holbrook Official Position: Superintendent

Place of Employment: W.S.P.


C. Additional Defendants (NOTE: These Defendants must be listed in the caption of the Complaint.): (C.U.S) Charles Douse, (CPM) Ron Knight, Sunday

John Doe #1 & #2 I & I officers who threaten & harass me

#### IV Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

II. VIOLATION TO MY VIII amendment rights to be free of cruel and unusual Punishment.

I have been housed in IMU South of Washington State Penitentiary since Oct 22nd 2014 and have not had outdoor recreation, due to the fact there is no outdoor recreational facilities in this IMU as there is in 4 wing plus north. I am doing an indeterminate program and will be in this IMU until they decide to let me out that will be at least 18 more months due to a class I must take. All this time I will not see <sup>9</sup> the outside yard. I have grieved this Feb 15 2015 & received the C.U.S.'s answer 2/24/15 and appealed 2/26/15. Received answer from CPM and appealed on 3/26/15. I have also sent letters to the Superintendent & CPM letting them know (on March 19<sup>th</sup> and 22nd and another to Superintendent on April 27<sup>th</sup> 2015) The problems and federal Violations. The continual denial of "Outdoor Recreation" is a cruel and unusual punishment incompatible with the evolving standards of decency and deprives me of the minimal civilized measures of life necessities, etc. There is also no pickup bar or debris we can use and the pieces we're allowed to use are posted and cords stretched so you must stand like this 



Bent over at waist. I have been denied action at all levels of grievance & have Documents to prove that.

Challum Bay IMU, ~~SHILTON~~ STAFFORD CAGE ARE ALL PLACES OF LONG TERM CONFINEMENT & THEY ARE AFFORDED ALL THE THINGS I HAVE MENTIONED THAT ARE NOT AVAILABLE HERE AT IMU 8. SO DOES 4 WING & IMU NORTH HERE. I AM IN THE SAME SITUATION AS ALMOST ALL INMATES IN IMU & AM NOT AFFORDED SOME CONSIDERATION.

I am suing everyone in all there Capacities. MY NAME WAS CHANGED TO BRUCE LEROY SPANGLER PROUNCE BY WALLA Dist. Ct. But Doc makes me get mail as Bryce Spangler. Supplemental pages added As not enough Room HERE

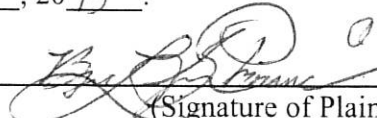
#### V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

Institutional injunction 2 provide use of outdoor yards & use of pull up & Dip bar. All Attorney fees payed for. Jury Trial - 100 dollars for every day i've ben in here w/out outdoor Rec. 10,000 dollars of that given to West Complex Library for Books. Outdoor Cages built or 4 wing oppened back up. A Court order to build some sort of outdoor Cages or yards for IMU South. In regards to my due process rights see end of sup. Pages other ~~with~~ amendment Claims & ~~retention~~ Claims & 1st amendment Claims.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 5<sup>th</sup> day of Nov, 20 15.

  
(Signature of Plaintiff)

(2) my XIV amendment right to procedural due process was violated. By Removing me from my classes. Taking my Level IV and Telling me I have to do it all over again.

I was brought from J pod to CUS. Pease's office & told "you are being dropped from level 4 to 2 & you are kicked out of class." When I asked "why" I was told "You know why — we don't want people like you down here" (in The programme Pods) Oct. 14<sup>or 15</sup> 2015

Then I was brought to Cell DC4 where I had nothing. Previously I was in J-4 programming pod doing MOC & Chemical dependency. I was 5 weeks from graduating & Release from IMU. Taking me out of MOC makes me not able to complete my IMU Programme requirements & will leave me in the hole for another year at least. The CPM had to make this call or at least approve it.

They took me out of my programming requirements (level & moc) with no hearing, infraction or anything. Just telling me your out & it's gone. No paperwork has been filed or anything. I am being punished w/no hearings or notification. I have wrote Warden on all issues I have had & been denied aid for every part of this.

I was recently told I & F is investigating me & I can't programme while I do & that's how they justify kicking me out of class & starting my programme over w/no hearings or paperwork. This is in retaliation for filing grievances against them this year and for filing grievances against CUS. They have restarted my programme to keep me in IMU longer. They have told me no matter what happens I have to re-start my programme. I had been referred for transfer to Stafford Creek mainline out of IMU & into a medium facility & was 3 weeks from completing my programme then it was all taken from me. I was also told I would receive 30 days good time back & my family I have not seen in 4 years was coming to visit me when I got to Stafford. ~~Call from~~

Then all that was seized from me with no hearing, no paperwork against all rules & with no chance to defend myself. Maintaining level 4 & completing moc is the only way I can leave the hole. I get released in 13 months & because of this I will now re-leave from IMU to the streets after spending 2 years in the hole. They say I have to go through moc again which will take a year or



more ~~than~~ to get in and Complete They Cannot punish me w/o Notification & tell me im not on Rctseq, while they look for something to punish me for or take away things they are not allowed to & Exatance me to another year in 1mu w/o hearing whether they find anything or not. I was told I have to work way back through levels & more whether there is investigation or not. They have filed no paperwork or done any hearing whatsoever to demote me from 4 to 2 or Remove me from classes I need to Complete to leave 1MU. They are pre punishing me & will not Count any of this time towards a punishment if I do get infracted. Being in this 1mu has left me depressed & ~~anxiously~~ being retaliated against has given me bad anxiety and panic attacks. Especially being kicked out of classes 3 weeks before I was to be released from the hole & finally see my family & children all in Retaliation for filing grievances against I & I & CUS. This violates everything we read on hearing procedures and my constitutional rights. They Practice a policy of punishment before hearings then don't Count the pre punishment with the punishment hearing; then investigate you after & punish you if nothing found.

¶(3) Violations to VIII amendment right to be free of Cruel & unusual punishment.

The psychological mental & physical retaliation leveled against me by CUS Pease & John Doe #1 & 2 I & I agents, & I & I in general is wrong.

The Cus has retaliated against me on Numerous occasions for filing grievances. He told me he would "Make my life miserable & keep me in here a long long time on Jan 22 2015 at 1pm 10 minutes after I filed an emergency grievance because they were keeping an Inmate Buck Naked for days & not allowing him mattress or blankets or Grievances or pens. He also told me if I didn't keep my mouth shut about what was going on & quit writing grievances I would "be Charged w/ what brought the other inmate to the hole on the Streets" (in a state Court) because "you two are both the same Color & your a gang member". I Grieved his actions & was moved to a disgusting Cell with piss all over the floor & given no cleaning gear. My kites & grievances & 1mu hand book were all thrown away. The next day I was not fed lunch then my

There was list. He has ~~seized~~ had I & I take my religious papers, my business papers, and papers pertaining to this lawsuit & instructed me to keep me from reaching my level 4 then taking my level w/out hearing this Oct to keep me in Inma longer. When I grieved the issues I was told not grievable or the CUS says its not true, not an emergency. I have been threatened and belittled by him on numerous occasions he has tried to abridge my 1st Amendment right to file grievances by threatening to charge me on streets for something someone else did because we same color. This is a huge deterrent My parents have my 2 Toddlers & I want to see them I am scared to death they will try to retaliate even more & keep me here. I've grieved I & I for taking my forms for this lawsuit and religious documents & they said "we didnt take them", "Never happened" and it looks like Gang stuff & for harassing me & nothing gets changed & they are carrying out threats of keeping me here as long as possible & making my life miserable.

Today Nov 17th 2015 2 unknown I & I officers came to interrogate me. They said if I refused to debrief they would keep me in Inma until I go home. They said they had "the power to send me where I want to go or to keep me in hole so I never make it there" They then said "They would change my release date and take all my good time if I didnt work for them & tell on the Gangs in here. I told them I am mixed out & have no good time. They said well you're got probation & we can make it hell, revoke it, do what we want". I told them I get out in 13 months I'm going home to be a father & take care of my kids. I've dedicated my life to Christ & The pope has declared a year of mercy these are my goals. They laughed at me & said "YOU, a Christian hahaha". We're not gonna be merciful w/you, we'll take your kids & charge you on the streets if I don't debrief & work for them. They won't let me do ITP programs unless I debrief either a 9 month program to better myself. They told me when they left "year of mercy <sup>(laughing)</sup> hahaha you're got nothing coming from us we're keeping you in hole until you leave & we'll see about your kids & charging you".



This is Cruel punishment & they are Circumventing my XIV amendment procedural due process guarantees or Threatening to. I believe they will retaliate more against me & I am worried about being in Walla Walla, how much further will they go. ~~They~~ I am already having panic attacks constantly being Threatened & told I may not go home that they are going to seize my kids this is not good for me or right i've been in hole 13 months already dealing w/this here I cant for another year. All because I filed grievances & refused to debrief

(4) At same I&I meeting my 1st Amendment right was violated. They had a letter I sent on or around Oct. 25th to Mr. Thrasher head of Classification. They had seized it going out & Never Notified me giving me a chance to appeal or know why. They never told me because I lost my temper & spoke briskly at them when they threatened my children and me. But they had it & it didn't make it to sender & I was not notified. This violates all case law i've read on incoming & outgoing mail & my constitutional rights. They have seized business papers from me drawn up under RCW 24.03 & religious material before I dedicated my life to Christ & refused to return them even my papers for this lawsuit. These are all 1st Amendment violations

### IN Conclusion

I have been Retaliated against & have the evidence to prove it, Punished w/no disciplinary hearings or procedures or evidence. Had Court, Religious, & business papers seized from me & Never Returned. Stuck in an Imu for 13 months while all this is going on w/no outdoor Recreation.

The 9th Circuit has always done prisoners right when things are wrong. They've said prisoners deserve outdoor Rec & to be free from Retaliation. They've said they follow the evolving standards of decency in society & not blind adherence to Draconian measures adopted by prisons.


The evidence I have gathered I believe will prove my case, but I believe it is for you to decide if a man in the 21st Century will be



subject to the same draconian measures associated with the drug wars, or have we as a people moved passed this type of behavior?

### Relief Sought (continued)

I would like an <sup>preliminary</sup> injunction to move me to a different IMU where I cannot be retaliated against because it's been bad with grievances. I can only guess at how bad it will be ~~be~~ living under the power of those I am suing. At least for duration of lawsuit. I would like an injunction to allow me to do another programme than MCC at Walla Walla so I have some hope of getting out of IMU before I am released. I would like 7,000 dollars from CUS Pease punitive damages. I would like 6,000 from each I&I officer who interrogated me John Doe #1 & #2 punitive damages. If I cannot be moved I would like to have my level re instated. I would like to be able to do last 3 weeks of MCC & be eligible to leave IMU again. I want an Injunction to quit tampering & seizing outgoing mail w/out Notification. I would like John Doe #1 & #2 fired or put back through training as they have become abusive of what authority they have. And CUS Pease put back through Training.

 Nov 17, 2015

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## Facts &amp; Brief Summary of Case

- ① I grieve inhumane conditions they are keeping a guy in my pod on
- ② CUS comes to door & tells me to keep my mouth shut about what there doing cuz he can make my life hell, & me and the inmate and the same color & he will have me charged with what the guy did on mainline, & if I didn't shut up ill be in here a long, long, time.
- ③ I grieved CUS. And what was going on w/inmate.
- ④ I was moved to cell w/urine all over floor & not allowed 2 clean it
- ⑤ I & I steal my religious papers & Articles of Incorporation & Legal papers
- ⑥ before I receive my Level 3, They infract me w/trying to start an SITG Group because of Articles of incorporation.
- ⑦ I beat infraction but still am not given my religious papers or Articles of incorporation back or Legal papers
- ⑧ I grieve them & They say They never took my Legal papers & im burnt.
- ⑨ The level 2 grievance never goes through because I am told everytime I rewrite grievance to rewrite it again untill time runs out. They do not hand out grievance manuals in here so it is hard 2 write them how they want
- ⑩ I enter into MOC & chemical dependency & think I & I and Pease will leave me alone because I am trying to change
- ⑪ 2 weeks before I am to graduate CUS Pease informs me he doesn't want people like me down there. Kicking me out restarts my programme. I've been in hole 2 year. He also tells me hes taking my Level 4 & I know what ive done. I have to do MOC & be level 4 to go back to Mainline.
- ⑫ I find out I & I has launched an investigation to keep me out of Class & so my programme will have to start over whether they find anything or not. I am told this by C.O's who I talk to.
- ⑬ I am told There's ben no paperwork filed, no hearings & im removed from my classes for undocumented reasons. Dropped from Level 4 with no hearing against rules & policies after im moved from J-6 to



D-04 a Cell with no T.V., Radio or anything in it, because i've ben dropped from level 4 to 2. My priviledge of Ordering food & Coffee has also ben revoked. The 30 days good time I have been told I would recieve upon Completion of Class has been taken & my referral to be transferred to a lower Custody has been withdrawn.

(14) There is a 7 month Waiting list to get back into MOC, it is a 5 month programme & it will take 1 to 2 months to leave hole so I am now forced to be released from prison from IMU because I have 12 months left

(15) I grieved, Kited & wrote Letters about there being no outdoor recreation facilities at WSP IMU South & was given Negative responses at all levels

(16) 9th Circuit has held outdoor Recreation is mandatory for prisoners Shelton, Stafford Creek, Clallum Bay IMU's all places of Long term IMU Confinement; have decided that means giving a place where an inmate can walk around w/an open Roof & see The sun and breathe fresh air. IMU North & 4 wing here adopted the same policy. I am similarly situated as all these inmates & am not afforded the same Consideration here. All the IMU's I have mentioned also have functional Pull up & Dip Bars.

(17) 9th Circuit has said No outdoor recreation is Cruel & unusual punishment. I would like to point out that there will be presedint put forth on both Sides of this Case on all these issues, but it Comes down to, how far as a society have we Come? Is the Cry of Distress the Call to rescue? Can Prisoners, even in an IMU setting expect to feel the Sunlight Shine on them & feel a breeze, be able to use a dip bar & pull up bar, or is this too much To ask for? Is a Cage, Outside, too much or too expensive To ask the prison to give inmates who spend years in IMU?

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To I ask you, how far have we come & will you go as far as you can to change what is happening to me & many others in this IMU? I sincerely hope you will.

*[Signature]*

- (18) Nov. 17 2015 2 unknown IBI personell threaten to take my good time, when informed I have none they threaten to make my life hell on probation, when informed I have none & am going home to my kids & be a father they said they can sieze my kids if I dont inform on Whites & tell them what they want & They say they leave me in hole untill I go home & They threatend to file Criminal Charges on me if I dont Cooperate



Affidavit ~~Support~~ in Support of Suit

It was a Cold October morning <sup>The 15<sup>th</sup></sup> & I worked out after lunch to warm up. I had just finished taking a bubble bath & getting dressed. I turned on the T.V., yes a T.V. I may be an inmate but im taking classes in IMU to better myself, so they give me a T.V. and thats all right, but why I joined the programme but its a perk. I switch on the news, I like to keep abreast of the things going on in my childrens side of the Country & it gives us things to talk about in class that I have in about 30 minutes. Me

I like to hear the opinions from different people.

I sit down to watch the news and relax when I hear a loud pounding on my door pound/pound/pound! "Get dressed Cus wants to see you". I just did a video for my kids so the Cus must want to talk to me about where to send it.

Boy was I wrong! He tells me "Sit down, you're kicked out of your moc class & dropped from Level 4 to Level 2" I asked "what do you mean? why? I graduate in 2 weeks and am supposed to get released from here", "Whats going on man?"

I ~~see~~ <sup>hear</sup> all my goals of seeing my family, video visits with my kids, getting sent to a lower custody level (like they had referred me for the week before), getting 30 days good time back like they said we would on graduation, ice cream cake (a delicacy I have not had in 5 years) a photo &

Certificate for graduating The Class all going down in flames by the pronouncement that came from Pease's lips.

He responds to my question by saying "you know what you did & we don't want people like you down here" (in the programme part 2) You also kicked out of Chemical dependency The Class I was just getting ready for. By now I'm speechless & flabbergasted for I know not of what he speaks. The only things I had been doing was re-establishing a relationship with my parents & my children who are in their custody & planning a road trip with my dad to the east coast & doing my school work to the best of my ability & trying to figure out how I was gonna ship my property to <sup>Stafford</sup> ~~Stafford~~ whenever Olympia approved me because I have 5 boxes.

I was told "We're finished here" & was marched to a whole other end of Imu to a cell with nothing inside of it. Imu South D-04.

I went from participating in moc & chemical dependency sending a video to my children, having a TV & Radio in my cell, 3 weeks from getting out of the hole after a year, & being referred to go to a facility close to my family on the other side of the mountains, to nothing in a 2 minute period. My head was spinning. No paperwork was filed, no hearing given, no explanation given all I knew was I was being punished and not given any procedural due process & with no evidence against me. The only way I can get out of Imu is to be a level 4 & complete those classes.



Recently I was told that I and I is Running an investigation on me & that is why I am Kicked out of Classes & my level was took with no hearing or papers given. I was told they are taking all your stuff (Levels TV, Radio) & Kicking you out of Class while they try to find something on you. By my Councilor & New Cus. So if they find Nothing you have to take Class over & go through Levels again (which will take 13 months at least) if they find something they are going to infract you & you'll have to do same thing. Policy says they can't punish me & take my stuff & level ~~would~~ <sup>as</sup> infract or hearing. This is in retaliation for grievances I have wrote against them (I & I on peace) earlier this year. They have re started my programme & took my level & Kicked me out of Classes, & are keeping me in the hole for another year before enacting any disciplinary proceedings, filing any paperwork, or sending me a reason why. I am being punished w/o hearing, I have heard everything 2nd & third hand.

Everything I have worked for for a year has ben taken from me. I will explain later how the Cus Threatend to do Just this, months ago but I thought he would let it go because I was honestly working to Change my life after learning so much in MCC. They took all my Level 4 privileges Store, TV Radio, Longer Visits, Maintaining Level 4 is only way for me to be Released from PMU & Completing MCC. So by Kicking me out of Class ~~they have~~ and taking my Level they have made it impossible for me to get out of PMU until my max date of December 16 2016 w/out a hearing

19 & Punishing me if they find something or not & making me release <sup>to streets</sup> after 2 years in the

*Butler* New 2nd 2015 Pg 3

## Affidavit in Support page 4

I was told on ~~ex~~ Nov. 17, 2015 to get dressed you have call out I did & was escorted to interview Room 2 unknown I&I officers began to interrogate & threaten me. They showed me a Letter I sent to head of Classification (Mr. Thrasher) on Oct 25<sup>th</sup>. Asked me what its about I told them I want to take IDP & Im under a ridiculous investigation They told me I was a liar & their the only ones who have power to send me where I want. I told them im not gonna sit here & take this, they told me I needed to work with them tell them about Whites and Gangs. I refused. Thats when they started Threatening me as Stated in Law suit pg 9.

I do not know how far they are willing to go but it sounded Verry far. I don't want to be here I am worried they will carry out there threats. I don't know if they can take the kids but it worries me & I know they have power to leave me in Imu. I am in immediate danger of retaliation from I & I & the administration I have panic attacks & deep depression. I don't know how much more I can take before ~~my~~ I go Crazy

 Nov. 17<sup>th</sup> 2015